

FILED

JUL 19 2017

Ch. Horn
CLERK

Robert Wayne Running Shield sr.

Name and Prisoner/Booking Number

Pennington county jail.
Place of Confinement

(I will be here till Aug 4/2017.
Temporary address,

307 Saint Joseph street,
Mailing Address

Rapid city, S.D. 57701,
City, State, Zip Code

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
Southern DIVISION

Robert Wayne Running Shield sr.
(Full Name of Plaintiff)

Case No. 17-4095
(To be supplied by the Clerk)

Plaintiff,
Michael Huether. (mayor),
Sioux falls, police department

CIVIL RIGHTS COMPLAINT
BY A PRISONER

_____,
_____,
(Full Name of Each Defendant)

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

Defendants.

Michael Huether mayor of Sioux Falls, Sioux Falls police dept,

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
 - a. 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 - b. 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
 - c. Other: (Please specify) _____

2. Name of Plaintiff: Robert Wayne Running Shield sr.
Present mailing address: P.O. Box 125, Batesland, S.D. 57716. (Permanent address)
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: Sioux Falls, S.D. minnehaha county,

3. Name of first Defendant: Michael Huether The first Defendant is employed as:
Mayor at Minnehaha County, SD, F.I.S.S.D.
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)

Explain how this Defendant was acting under color of law: violating rights

4. Name of second Defendant: Sioux Falls Police The second Defendant is employed as:
Police Officers at Minnehaha County, SD, F.I.S.S.D.
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)

Explain how this Defendant was acting under color of law: Arresting me and racial profiling me, 197 times consecutively in two years.

5. Name of third Defendant: _____ The third Defendant is employed as:
at _____
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

6. Name of fourth Defendant: _____ The fourth Defendant is employed as:
at _____
(Position and Title) (Institution)

This Defendant is sued in his/her: individual capacity official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If your answer is "yes," how many lawsuits have you filed? _____. Describe the previous lawsuits in the spaces provided below.
3. First prior lawsuit:
 - a. Parties to previous lawsuit: 0
Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?)

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

4. Second prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?)

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

5. Third prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?)

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s): _____

Miranda Warning and Racial profiling.

2. Count I involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count) Medical care Access to the court Mail
 Disciplinary proceedings Retaliation Exercise of religion Property
 Excessive force by an officer Threat to safety Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

Had no regard for any of my personal rights.

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

Extreme mental anguish, and physical cruelty by being arrested and jailed 197 times in the span of two years.

- ## **5. Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No

- b. Did you submit a request for administrative relief on Count I? Yes No

- c. Did you appeal your request for relief on Count I to the highest level? Yes No

- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly

I am indigant @ present and in custody.

COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s):
Miranda warning and racial profiling.
2. Count II involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
 Medical care Access to the court Mail
 Disciplinary proceedings Retaliation Exercise of religion Property
 Excessive force by an officer Threat to safety Other: _____

3. Supporting Facts: (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

In a TWO year time frame, I was harrased constantly and arrested, jailed, and inconveniced where I lost employment etc...

4. Injury: (State how you have been injured by the actions or inactions of the Defendant(s)).
I lost the ability to support myself financially by being arrested and jailed which led to loss of employment time and time again, and I now owe fines, court costs, ALSO I SUFFER extreme mental anguish @ present.

5. Administrative Remedies:

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No

b. Did you submit a request for administrative relief on Count II? Yes No

c. Did you appeal your request for relief on Count II to the highest level? Yes No

d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I am indigant and @ present jailed,

COUNT III

1. The following constitutional or other federal right has been violated by the Defendant(s):

2. Count III involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count). Medical care Access to the court Mail
 Disciplinary proceedings Retaliation Exercise of religion Property
 Excessive force by an officer Threat to safety Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

extreme mental anguish,

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No

b. Did you submit a request for administrative relief on Count III? Yes No

c. Did you appeal your request for relief on Count III to the highest level? Yes No

d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I am presently jailed and indigent

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

D. REQUEST FOR RELIEF

State briefly what you want the Court to do for you.

Monetary damages in the amount of \$250,000

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15/2017,
DATE

Robert W. Running Shield sr.
SIGNATURE OF PLAINTIFF

(Name and title or paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.